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TREY GRANGER, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

GEORGE D METZ II,

Plaintiff,

v.

DONALD VALENZA,

Defendant.

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**OBJECTION TO MAGISTRATE
REPORT AND RECOMMENDATION**

Comes now the Plaintiff George D. Metz II by and through himself in a pro se capacity to object to the magistrates report and recommendation on my motion for default judgement against defendant Donald Valenza.

1. FOR GOOD CAUSE

The magistrate tells me that the default should be set aside for good cause, and then provides no good cause save for the fact that primary counsel was diagnosed with some form of illness that must have struck the same day as their motion was denied and magically healed the same day the court directed the parties to provide an update on the remaining claims, as the answer was tendered the next day. Whats troubling to me is they say "she" Mot. (Doc 34) p. 5 para 19 to indicate Ashley, but clearly Richard Hill

is primary counsel. Even on the off chance he is not, there is no chance of me believing he could of not written the answer himself. If this isn't an intentional and reckless disregard for the judicial proceedings then I dont know what is.

"However, if a party willfully defaults by displaying either an intentional or reckless disregard for the judicial proceedings, the court need make no other findings in denying relief". *Compania Interamericana Export-Import, S. A.*, 88 F .3d at 952 (quoting *Shepard Claims Service, Inc. v. Walliam Darrah Associates*, 796 F .2d190, 194-95 (6th Cir. 1986))

2. PREJUDICE TO PLAINTIFF

Plaintiff objects to the magistrate saying that setting aside the default would not prejudice me because myself a pro se litigate with no training and just learning the basics of procedure didn't know how to move the case forward. I even read the rule wrong and filed for a default judgement first before getting the clerks default order. I however wont offer up easy to dispell excuses and instead chalk it up to my inexperience on procedure.

3. MERITORIOUS DEFENSE

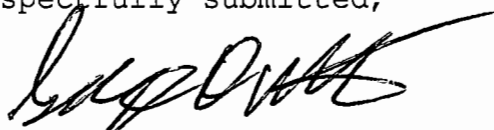
There is no meritorious defense that the defendant could bring forth as all facts have been presented on video, where the defendant admitted to detaining him on a public sidewalk for constitutionally protected activity. There is exactly zero chance he could present a defense or any new facts that the court doesnt already have before it.

For the reasons listed above i believe the court should not grant the magistrates recommendation, and grant my motion for default judgement.

AFFIDAVIT

I, George Douglas Metz II do hereby certify that the statements and allegations set forth
in the foregoing objection are true and accurate to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Metz II", written over a horizontal line.

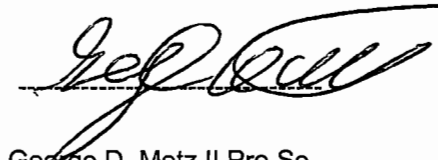
GEORGE D. METZ II

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Certificate of Service

I hereby certify that on this the ^{15th} ~~3rd~~ day of ~~October~~ ^{December} 2023, I have placed a copy of this motion for default judgement in the mail postage prepaid to the following.

Capell & Howard, P.C.
150 South Perry Street
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Attn Rick Hill



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Clerk of court
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36104-401801

